

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 16, 2007- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:19 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-021) Proclamation expressing appreciation to Rich Teske for his twenty-six years of service on the Rent Review Advisory Committee.

Mayor Johnson read and presented the proclamation to Rich Teske.

Vice Mayor Tam moved approval of the proclamation.

Councilmember Matarrese seconded the motion, which passed by consensus.

CONSENT CALENDAR

Mayor Johnson announced that the Resolution Joining the Statewide Community Infrastructure Program [paragraph no. 07-030] was removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5. [Note: Vice Mayor Tam abstained from voting on the December 5, 2006 minutes.]

Councilmember deHaan thanked Alameda Power & Telecom and Fire Department for the review and recommendation on the sale of emergency generators [paragraph no. *07-028].

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*07-022) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority, and Community Improvement Commission

Meeting held on December 5, 2006, and the Special and Regular City Council Meetings held on January 2, 2007. Approved.

[Note: Vice Mayor Tam abstained from voting on the December 5, 2006 minutes.]

(*07-023) Ratified bills in the amount of \$1,619,985.25.

(*07-024) Recommendation to accept the City of Alameda Investment Policy. Accepted.

(*07-025) Recommendation to accept the work of Gallagher & Burk for the Repair and Resurfacing of Certain Streets, Phase 26, No. P.W. 03-06-08. Accepted.

(*07-026) Recommendation to adopt Plans and Specifications and authorize Call for Bids for Crosswalk In-Pavement Lights at Various Locations in the City of Alameda, No. P. W. 07-04-07, Federal ID: STPLH-5014 (025). Accepted.

(*07-027) Recommendation to appropriate \$157,000 in Sewer Enterprise Funds and award a Contract in the amount of \$562,000, including contingencies, to Pacific Liners Pipeline Rehabilitation for the Citywide Sewer Mains and Laterals Video Inspection, No. P.W. 10-06-21. Accepted.

(*07-028) Resolution No. 14057, "Authorizing and Approving Sale of Emergency Generators and Associated Electrical Equipment to Cummins West, Inc. for \$832,000." Adopted.

(*07-029) Resolution No. 14058, "Authorizing Open Market Purchase from Tiburon, Inc. Pursuant to Section 3-15 of the Alameda City Charter for a Mobile Data System Upgrade in the Amount of \$66,545.00." Adopted.

(07-030) Public Hearing to consider Resolution No. 14059, "Joining the Statewide Community Infrastructure Program and Authorizing the California Statewide Communities Development Authority to Accept Applications from Property Owners, Conduct Special Assessment Proceedings and Levy Assessments Within the Territory of the City of Alameda and Authorizing Related Actions." Adopted.

The Business Development Division Manager gave a brief presentation.

Councilmember deHaan inquired whether the Program would apply to small-scale development.

The Business Development Division Manager responded anyone could participate; stated usually, a \$250,000 to \$300,000 threshold is needed.

Councilmember deHaan inquired whether the City ever carried bonds before.

The Business Development Division Manager responded the City has never carried bonds for private development.

Vice Mayor Tam inquired whether other communities have a high participation level.

The Business Development Division Manager responded the Program is new; stated there is no cost; a lot of cities have joined because the Program provides an economic tool for future development.

Mayor Johnson stated the Program is a financial tool that would benefit the community.

Vice Mayor Tam moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(*07-031) Public hearing to consider approval of Tentative Map Tract 7846 (TM06-0006) for the purpose of establishing eight residential lots within four buildings located at 626 Buena Vista Avenue within the R-4-PD Neighborhood Residential Planned Development Zoning District; and

(*07-031A) Resolution No. 14060, "Approving Tentative Map Tract 7846, TM06-0006, for the Purpose of Establishing Eight Residential Lots within Four Buildings Located at 626 Buena Vista Avenue." Adopted.

REGULAR AGENDA ITEMS

(07-032) Public Hearing to consider a proposal by Warmington Homes, California for a General Plan Amendment (GP05-002), Rezoning (R05-004), Master Plan (MP05-001), Tentative Map (TM05-002), and adoption of a Mitigated Negative Declaration (IS05-0003) for development of forty new, detached single-family residences, and related utilities, streets, open space and visitor parking; and an appeal of certain Conditions of Approval on Development Plan and Design Review permits (PD05-02). The project site is located at the northwest corner of Grand Street and Fortmann Way at 2051-2099 Grand Street;

(07-032A) Resolution No. 14061, "Adopting the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program for the Grand Marina Village Development Located at the Northwest Corner of Grand Street and Fortmann Way (State Clearinghouse #2006-04-2145)." Adopted;

(07-032B) Resolution No. 14062, "Approving General Plan Amendment (GPA-05-02) for Grand Marina Village to Amend the General Plan Land Use Diagram to Change the Designation of Approximately 8.3 Acres to Specified Mixed Use and Amend Sections 2.2, 2.3, and 2.6 and Associated Tables of the Land Use Element to Reflect the Specified Mixed Use Designation." Adopted;

(07-032C) Introduction of Ordinance Reclassifying and Rezoning Property Located Adjacent to the Oakland Estuary and Grand Street from M-2, General Industrial (Manufacturing) District to MX, Mixed Use Planned Development District (MX). Introduced;

(07-032D) Introduction of Ordinance Approving Master Plan MP05-01 for a Mixed Use Development Including Single-Family Residential, Recreational Marina, Maritime Commercial, and Open Space Uses, Located Within a Project Area Encompassing Approximately 8.36 Acres of Land and Water at the Intersection of Grand Street and the Oakland Estuary. Introduced;

(07-032E) Resolution No. 14063, "Approving Tentative Map, TM05-0002, for Property Located Between Grand Street, Fortmann Way, and the Oakland Estuary." Adopted; and

(07-032F) Resolution No. 14064, "Upholding Planning Board Approval of Planned Development PD05-02 and Design Review DR05-0126 for Grand Marina Village." Adopted.

The Supervising Planner gave a brief Power Point presentation.

Councilmember deHaan inquired whether staff recommends an asphalt path.

The Supervising Planner responded staff recommends keeping the asphalt as long as adequate width and good transitions exist between the asphalt and other materials.

Mayor Johnson inquired who would be responsible for the maintenance, to which the Supervising Planner responded the Grand Marina.

Mayor Johnson inquired whether defined maintenance levels would be required; stated the Planning Board might have thought that asphalt would not last as long as concrete.

The Supervising Planner responded the existing asphalt path is on the Grand Marina property; stated the Applicant would do all the landscaping and improvements.

Mayor Johnson inquired who owns the Grand Marina, to which the Supervising Planner responded the Grand Marina is under lease to Peter Wang.

Mayor Johnson inquired whether the City has the ability to require Mr. Wang to maintain the area at a certain level, to which the Supervising Planner responded in the affirmative.

Mayor Johnson inquired whether the ability is real, to which the Supervising Planner responded he was not sure.

Mayor Johnson stated she could see where the Planning Board would prefer concrete if the City does not have the ability to ensure proper maintenance.

The Supervising Planner stated the property is subject to a Bay Conservation and Development Commission (BCDC) permit.

Councilmember deHaan inquired who paid for the Kaufman and Broad trail, to which the Assistant City Manager responded the Municipal Services District.

The Public Works Director stated the trail is maintained by the Recreation and Park Department; funding is through the Municipal Services District.

Councilmember deHaan inquired whether the Planning Board wanted to replicate the Kaufman and Broad development pathway.

The Public Works Director responded maintenance is part of the Grand Marina lease requirement; stated the Leasee would be required to maintain the area at a level that is acceptable to the City.

Mayor Johnson inquired whether Mr. Wang is in compliance with every lease condition, to which the Public Works Director responded that he did not know.

The Supervising Planner stated concrete would be easier to maintain; the Master Plan covers the entire area; Council could make maintenance recommendations and implement the recommendations in the Grand Marina lease.

Councilmember deHaan stated the Bridgeside gravel is starting to erode; material and maintenance policies should be reviewed.

The Supervising Planner stated Council could impose a Master Plan condition that would require that the Grand Marina residential project be responsible for maintenance of the public triangular parks; the condition could be expanded to include that the Homeowners Association be responsible for the portions outside of the parks.

Mayor Johnson stated the path is a public access and could become a safety issue if the Grand Marina was not responsible for maintenance; the path would become a problem for the City; inquired whether agreements exist between Grand Marina and the Applicant.

The Supervising Planner responded agreements are between the City and Mr. Wang, Warmington Homes and Mr. Wang, and Master Plan entitlements.

Mayor Johnson inquired whether the Applicant would have the ability to pass on maintenance costs to the Grand Marina, to which the Supervising Planner responded in the affirmative.

The Supervising Planner continued with the presentation.

The Architect provided a video presentation.

Mayor Johnson opened the public portion of the hearing.

Proponents: (In favor of project appeal): David Day, Applicant; Dan Lachman, Alameda Development Corporation.

Opponent: (Not in favor of project appeal): Richard W. Rutter, Alameda.

Neutral: Christopher Buckley, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Following the Applicant's comments, Mayor Johnson stated the Bayport duplexes are very good; inquired why duplexes were not considered for the proposed project.

The Applicant responded an attached product costs more to build because of insurance; stated the proposed project has great architectural quality; height diversity is good.

Mayor Johnson stated that she likes the garages in the back.

Councilmember deHaan stated he has heard complaints that the Bayport sidewalks are not wide enough; inquired whether the proposed sidewalks would be wide enough.

The Supervising Planner responded public sidewalks have a five-foot minimum width.

Councilmember deHaan inquired whether Bayport's sidewalks have a five-foot minimum width, to which the Supervising Planner responded some Bayport sidewalks are less than five feet wide.

Councilmember deHaan inquired what was the basic selling price for the Bayport homes.

Mr. Lachman responded each phase has been different because of income; the first sixteen homes sold for \$273,000 based on 110% of area medium income; the other sixteen homes sold for \$236,000 based on 100% of area medium income; the new phase would be \$212,00 based on 90% of area medium income.

The Supervising Planner stated that the Homeowners Association would cover all maintenance, including the path.

Councilmember Gilmore stated that she dislikes the third story pop-ups; she appreciates Mr. Rutter's and Mr. Buckley's research; she prefers the Murano project roofline; the Planning Board does not like slider windows in developments; windows that have dividers between two slabs of glass do not provide the detail and definition for the project's caliber; she would like to add a condition that would require windows to have dividers raised outside of the glass.

Councilmember Matarrese concurred with Councilmember Gilmore; stated that he does not see the need for the east/west paseo that cuts from the alleyway through Hibbard Street to the parkway; every house could be considered waterfront property; the market rate and affordable houses are dispersed; the development is better than previous developments; staff could work with the Applicant on the third floor design; the existing asphalt path does not touch the Marina Cove development because of the wooden dock; the paseo condition is not needed as long as the asphalt is maintained and matches the proposed treatments in the round areas at the foot of Hibbard Street.

Councilmember Gilmore concurred with Councilmember Matarrese; stated she wants to ensure that there is consistent width; the path narrows at certain points; she is concerned with pedestrian safety.

Vice Mayor Tam inquired whether the 430 square-foot third story has

any functionality beyond architectural diversity.

The Supervising Planner responded the third story provides two additional rooms.

Vice Mayor Tam stated Mr. Buckley proposed incorporating the third story into the roofline.

The Supervising Planner stated staff could work with the Applicant on roof design.

Vice Mayor Tam inquired whether Council needs to help modify the third-story condition to be more explicit in terms of what staff is directed to do.

Mayor Johnson stated Councilmember Gilmore suggested using Mr. Buckley's examples.

Vice Mayor Tam inquired whether direction needs to be explicit in the condition.

Mayor Johnson responded the condition should be revised to make the changes explicit; stated the design changes are significant; inquired whether the design changes should go back to the Planning Board for review.

The Supervising Planner responded staff could work with the Applicant; stated residential guidelines do not address new three-story buildings, only additions.

Mayor Johnson stated the changes are not small.

The Applicant stated Mr. Buckley referenced a Centax project where the third floors go from side to side; one side has a three-story wall and the other side has a two-story wall in the current design; the third-floor pop-up would be closer to the street.

Mayor Johnson stated she likes the Murano project design better.

The Applicant stated a jewel box design was used.

Councilmember deHaan stated more space could be gained with the Murano project design.

The Applicant stated he would prefer to work with staff and not go back to the Planning Board.

Councilmember deHaan stated that he has concerns with the material

used at Bridgeside; staff needs to review material consistency; inquired whether common areas are part of 2,000 square-foot lots, to which the Supervising Planner responded in the affirmative.

Councilmember deHaan inquired whether the project is contrary to Measure A.

The Supervising Planner responded the project is consistent with Measure A, the City Charter, and the General Plan; stated every parcel is at least 2,000 square feet; all forty parcels have some form of public access easement; the overall project is well within Measure A density requirements.

Councilmember deHaan stated the project is breaking new ground.

The Supervising Planner stated the project design is intended to maximize public open space; the tradeoff is smaller lots.

Councilmember deHaan stated the paseos work because of lot configurations but is not something he would highly recommend.

The Supervising Planner stated the project provides an opportunity to try a small lot subdivision; the project was completely redesigned after the Planning Board study sessions.

Councilmember deHaan inquired why palm trees are planned for Hibbard Street instead of full trees.

The Supervising Planner responded palm trees need to be removed; stated the plan is to reuse the trees and align Hibbard Street to eventually come through the Pennzoil site and connect with the Marina Cove development.

Councilmember deHaan inquired what is the plan for the rest of the street.

The Supervising Planner stated the trees can be extended down Hibbard Street; a decision would need to be made about whether or not to continue the palm trees to the Pennzoil site.

Councilmember deHaan stated past Planning Board discussions have addressed palm trees not providing enough shade; he would prefer not to have palm trees.

Councilmember Gilmore stated she would like to have staff review how the houses front Grand Street; staff and the Applicant should ensure the design is detailed, not bland.

The Supervising Planner stated Council could modify the condition to include the Grand Street elevations.

Mayor Johnson inquired what type of landscaping would be provided on Grand Street.

The Supervising Planner responded the Homeowners Association would provide new sidewalks and landscaping; big trees are not proposed because of utilities.

Mr. Day stated Warmington Homes has agreed to design the third story as close to the Murano project as possible.

Councilmember deHaan stated that he does not see a distinction between the market rate and affordable home designs.

Councilmember Matarrese stated that he sees the potential for forty new Alameda Power & Telecom (AP&T) customers; inquired whether an AP&T marketing plan and hookup installation could be added to the conditions, to which the City Attorney responded in the affirmative.

Councilmember Matarrese moved adoption of the resolutions and introduced ordinances with the following exceptions: 1) the Planning Director is to work with the Applicant to redesign the third floor pop-ups to look like the examples of the Murano project in Cupertino, 2) directed staff to work with the Applicant and Christopher Buckley on the Grand Street elevations, 3) eliminate slider windows, and 4) AP&T be installed and marketed similar to the Alameda Landing project.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(07-033) Consideration of an appeal of the Public Works Director's decision to deny a request to remove eight street trees along 2101 Shoreline Drive in accordance with City's Master Tree Plan.

The Public Works Director gave a brief presentation.

Councilmember Gilmore inquired how many units are affected by the eight trees, to which the Public Works Director responded approximately ten to twenty units.

Councilmember Gilmore inquired when the trees were last pruned.

The Public Works Director responded approximately seven years ago; stated the Tree Pruning Program funding was reduced.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of appeal): Robert Matz, The Directly Affected Homeowners, Don Patterson, Alameda. Betty Snider, Alameda and Charles Moneder, Alameda (time yielded to Mr. Matz).

Opponent (Not in favor of appeal): Karen Stern, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember Gilmore inquired how many units are affected by the eight trees, to which Mr. Matz responded twenty.

Councilmember Gilmore inquired whether the units are two-story.

Mr. Matz responded in the affirmative; stated the entrance is on the second story; the bedrooms are downstairs.

Councilmember deHaan stated Shoreline Drive has a variety of trees; some Grand Street trees have been replaced by the homeowners; inquired whether the replanted trees are proper.

The Public Works Director responded in the negative; stated he has been working with the City Attorney's office on drafting a letter to the homeowners.

Councilmember deHaan inquired what type of trees would be planted.

The Public Works Director responded the Tree Master Plan allows for three different types; stated the New Zealand Christmas Tree is the preferred tree.

Councilmember deHaan stated the trees vary in height and fullness; inquired whether the Tree Trimming Program is in force.

The Public Works Director responded the Tree Trimming Program allows for tree pruning every five years when funding is available; stated recently Council restored the funding; catch-up needs to be done; residents are required to get tree trimming permits; not all residents obtained permits; enforcement is difficult.

Councilmember deHaan stated some of the Shoreline Drive trees have been pruned severely.

The Public Works Director stated the New Zealand Christmas Tree is very hardy and comes back rapidly.

Councilmember deHaan stated unauthorized tree pruning is concerning because trees are important to the City.

The Public Works Director stated that he does not have the staff to police tree pruning; residents deny knowledge of tree trimming.

Councilmember deHaan inquired whether tree infill plans are underway, to which the Public Works Director responded in the affirmative.

Councilmember deHaan stated the rest of Alameda would be impacted by how trees are infilled.

Vice Mayor Tam stated Ms. Guthrie invited her to view the trees and visit Mr. Matz's unit; some residents have chopped the trees; inquired whether the trees could be moved.

The Public Works Director responded he was not sure whether the trees would remain healthy; stated the move would be very expensive.

Councilmember Gilmore stated trees grow; questioned whether the same issue would come up in twenty years if the trees are replaced; she does not want to get into a cycle of replacing healthy trees periodically; the City has higher uses for money than replacing trees cyclically.

The Public Works Director stated Mr. Matz's Master Tree Plan reference is not the section that addresses when trees should be removed; the section addresses how trees are selected.

Councilmember Matarrese stated a trimming and pruning option has been suggested to increase the view line and preserve mature trees; the Tree Master Plan needs some updating; carbon sequesters are of greater importance; view restoration can be accomplished; now is the time to take a second look at the Tree Master Plan.

Councilmember deHaan stated sometimes mistakes are made when trees are planted; the intent is to add more trees down Shoreline Drive and help the eco system; street trees should be uniform; tree infilling opportunities exist throughout the City; he is not sure whether views would improve if the trees are replaced.

Mayor Johnson stated many trees have died and have not been replaced; inquired whether trees are planted in existing planting areas.

The Public Works Director responded sometimes planting cannot be done at the same location because of the root ball; stated the Tree Master plan has restrictions regarding planting locations.

Mayor Johnson stated the goal is to plant as many trees as possible; Westline Drive and Harbor Bay waterfront areas have existing trees; Council needs to be very careful in setting a precedent regarding removing trees in areas with a view; concurred with Councilmember Matarrese regarding reviewing and updating the Master Tree Plan; inquired whether the City would do the pruning every year at the expense of the Homeowners Association.

The Public Works Director responded the City would prune the first and fifth year; the City would prune in the intervening years at the homeowner's expense.

Councilmember Matarrese stated the five-year pruning policy would be re-instituted starting this year; the City would prune the trees down to the 25% crown with an arborist's consultation and City funds; the City and arborist would be involved if the homeowners wants the trees pruned within the five year interim; the cost would be born by the homeowners.

Councilmember deHaan requested than an arborist review topping the trees to bring the trees back into proportion.

Mayor Johnson stated the 25% crown pruning is quite substantial.

Councilmember Gilmore stated she would never vote to remove a tree unless other options were considered; the trees are behind in the normal pruning schedule; concurred that the Master Tree Plan needs updating; stated coastal areas need attention; suggested reviewing avenues for having coastal trees pruned more frequently and involving the Homeowners Association with the pruning in the intervening years.

Vice Mayor Tam moved approval of upholding the Public Works Director's decision with direction for staff to work with a certified arborist to prune the trees and reduce the height and fullness without jeopardizing the trees and to work on updating the Master Tree Plan.

Vice Mayor Tam stated she has lived in the area for a long time; her front tree grew to two and a half inches in diameter in thirty years; the City needs to be more conscious in maintaining and pruning trees.

Councilmember Matarrese seconded the motion with additional

direction that the Master Tree Plan be reviewed by the Climate Protection Campaign Task Force.

Under discussion, Councilmember deHaan stated the Harbor Bay Trail and Marina Village waterfront homes have no trees; clustered trees are in park areas; he is concerned with the infill proposed for Shoreline Drive.

Mayor Johnson stated trees are scattered throughout the Bay Trail area on Harbor Bay; questioned whether the Tree Master Plan review and update would occur before or after the proposed infill.

The Public Works Director stated carbon sequester trees would be reviewed as part of tree placement.

Mayor Johnson stated Council should review whether fines should be imposed if a homeowner removes a tree.

On the call for the question, the motion carried by unanimous voice vote - 5.

(07-034) Recommendation to approve funding request for Alameda Big Box Study Support not to exceed \$50,000 from General Fund Reserves.

The Business Development Manager gave a brief presentation.

Mayor Johnson opened the public portion of the hearing.

Proponents (In favor of staff recommendation): David Howard, Alameda; Gretchen Lipow, Alameda; Denise Brady, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Councilmember Matarrese stated that he supports spending reserve funds for infrastructure improvements; he has a hard time spending reserve money on a study; inquired whether the study could be funded with money budgeted elsewhere; stated that he would not support taking the money from the General Fund Reserves.

In response to Councilmember Matarrese's inquiry, the Business Development Manager responded all outside consultant fees have been encumbered.

Councilmember Matarrese inquired whether money could be used from funds that are not encumbered yet, to which the Business Development Manager responded in the negative.

The City Manager stated the Development Services Director is in the process of re-evaluating the budget; opportunities do not exist to fund the study in the current fiscal year.

Councilmember Matarrese inquired whether Towne Center, Alameda Landing or Alameda Point funds are available; stated said areas are relevant to the big box study.

Councilmember deHaan inquired whether money could be taken from the Planning Department impact fees.

The City Manager responded money was not budgeted for the study.

Councilmember Matarrese stated the question is not whether money was budgeted; the question is whether \$50,000 can be taken from another source.

The Business Development Manager responded the issue would need to be reviewed; stated the proposed study would not be just for Alameda Point, but the whole Island; a portion might be appropriate, but not one hundred percent.

Councilmember Matarrese stated funds must have been budgeted to support the projects.

The Base Reuse and Community Development Manager stated the City has full cost recovery for the Alameda Landing project; all staff salaries are paid by the developer; the developer funded a retail impact analysis as part of the entitlement process for approximately \$35,000; the study led to the retail mix recommendations.

Mayor Johnson inquired whether a retail impact study is required for proposals, to which the Base Reuse and Community Development Manager responded in the affirmative.

Mayor Johnson inquired whether a retail impact study is different from a big box study; stated she is surprised by the cost.

The Base Reuse and Community Development Manager responded some goals and objections may be captured; stated the measurement would address whether the proposed project competes with or is compatible with existing retail.

Mayor Johnson inquired whether a retail study would include other impacts, to which the Base Reuse and Community Development Manager responded in the affirmative.

Councilmember Matarrese stated the first question is whether there should be big box at all; a retail impact fee would help answer the question; he does not approve of using General Fund Reserves for a study.

Councilmember deHaan stated alternate funding sources should be reviewed; the June 2006 study replicates retail for the Towne Center; leakage needs to be understood and impacts analyzed; it is unknown how the proposed Borders would impact Books, Inc.

Councilmember Matarrese moved approval to direct staff to identify alternate funds and bargain the price down at the same time.

Councilmember Gilmore agreed that General Fund Reserves should not be used for the study; stated the study should not duplicate previous studies; all studies should be pulled together for a complete picture.

Mayor Johnson stated the City has a City-wide Retail Strategic Plan.

Councilmember Gilmore stated the Economic Development Commission was requested to update said plan.

Mayor Johnson questioned whether any additional information would come out of the study.

Councilmember Gilmore questioned whether the study would provide any new information; stated that she only wants to do a new study if it is needed.

Vice Mayor Tam stated she had an opportunity to review the 2004 Citywide Retail policy; the County's examination of the Community Impact analysis adds value with respect to impacts on workers, health benefits, City services, and nearby merchants; it is hard for a financially struggling City to justify spending reserve funds for the study; stated she supports Councilmember Matarrese's motion.

Councilmember Matarrese amended the motion to direct staff to convene the Task Force and use existing studies to formulate conclusions and recommendations that may include an additional study if needed.

Councilmember deHaan stated the City's retail leakage requirements need to be in proportion to big boxes; the public should be involved in discussions.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(07-035) Ordinance No. 2960, "Approving Development Agreement DA-06-0003 By and Between the City of Alameda and Palmtree Acquisition Corporation (Successor by Merger to Catellus Development Corporation) Governing the Development of Up To 400,000 Square Feet of Office Space; a 20,000 Square Foot Health Club; and 300,000 Square Feet of Retail Space or 50,000 Square Feet of Retail Space and 370,000 Square Feet of Research and Development Space." Finally passed.

The Base Reuse and Community Development Manager provided a brief presentation.

Councilmember Matarrese stated the amendment is good and fair and is easily understood; he appreciates the time and thought that staff put into the amendment; proper recognition has been given to funding the Transportation Demand Management (TDM) Program.

Councilmember deHaan inquired whether TDM measurements have been determined.

The Base Reuse and Community Development Manager responded the success criteria would be developed and submitted as part of the TDM Program that would go back to the Transportation Commission and Planning Board; stated the Transportation Commission is scheduled to begin discussions on January 31.

Councilmember deHaan stated different traffic patterns are set with entitlement changes; most mitigations are not just for people in Alameda but for visitors; inquired whether the TDM would address the issue.

The Base Reuse and Community Development Manager responded the minimum TDM Phase One components were all developed as part of the new, mixed-use project.

Councilmember deHaan inquired whether certain mitigations could be resolved before developments are in place.

The Base Reuse and Community Development Manager responded the developer has stated that the minimum Phase One components would cost more than what would be collected; stated Condition 11 lays out the Phase One TDM components and has not changed since the project was approved on December 5.

Councilmember deHaan stated that he has not heard any discussion

regarding taking care of visitors coming into Alameda or Alameda Point.

Councilmember Matarrese moved final passage of the ordinance.

Vice Mayor Tam seconded the motion.

Under discussion, Vice Mayor Tam echoed Councilmember Matarrese's commending staff.

On the call for the question, the motion carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(07-036) David Howard, Alameda, discussed transportation and submitted a handout on a parking institute policy brief.

COUNCIL COMMUNICATIONS

(07-037) Vice Mayor Tam announced that she attended the League of California Cities conference and orientation for new Councilmembers; stated approximately 440 people attended; the sessions provided a good overview of best practices in City governance, the Brown Act, updates on emerging legislation, and land use policies; the Governor's newly released budget seems to be favorable for local governments; AB 2511 compliance is an issue; encouraged Council to participate in the July conference.

Mayor Johnson stated she has encouraged Councilmembers to attend the July conference every year; requested that the City Clerk try to schedule Councilmembers to attend.

The City Manager stated the conference is scheduled for July 25 through 28.

(07-038) Selection of Councilmember and alternate to serve as the League of California Cities East Bay Division representative.
Continued to February 6, 2007.

Vice Mayor Tam volunteered to serve as the League's representative.

Councilmember deHaan stated he would like the opportunity to serve also.

Vice Mayor Tam stated that she was interested in serving on the Environmental Quality Policy Committee, which deals with emerging regulations such as global warming.

Mayor Johnson stated former Vice Mayor Daysog also served on the Airport Operating Committee; requested that Councilmembers let her know their areas of interest before the next Council meeting.

(07-039) Councilmember Matarrese stated an Alameda Power and Telcom (AP&T) consultant report was published in the newspaper; requested that Council receive a briefing on decisions and recommendations after the public workshops.

The City Manager stated the process would begin this week; the public is invited to attend two public forums scheduled for Thursday and Saturday; a voice over Internet protocol is one of the consultant's recommendations; updates will be provided to Council.

Councilmember Matarrese requested the update be provided in the first quarter.

(07-040) Councilmember Matarrese stated he has heard concerns that Alameda does not have a Cultural Arts Center; he would like to have the matter reviewed by the Public Arts Commission.

(07-041) Councilmember deHaan stated webcasting is available but is only utilized in the Chambers; suggested that the AP&T workshop meetings be available to the public through webcasting.

(07-042) Councilmember deHaan requested that Closed Session information be released on Alameda Point negotiations.

(07-043) Councilmember Gilmore inquired whether there is a mechanism for requiring shopping carts to have boots; stated the boots would be helpful in limiting stray shopping cart problems at Alameda Landing, Bridgeside, and Alameda Towne Center.

Mayor Johnson stated the Police Department has been requested to review the issue in the past; suggested that a phone number be placed on the shopping carts for stores to pick up carts within a certain number of hours.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 11:50 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -JANUARY 16, 2007- -7:29 P.M.

Chair Johnson convened the Special Meeting at 7:50 p.m.

ROLL CALL - Present: Commissioners deHaan, Gilmore, Matarrese, Tam, and Chair Johnson - 5.

Absent: None.

MINUTES

(07-001) Minutes of the Joint City Council, Alameda Reuse and Redevelopment Authority (ARRA), and Community Improvement Commission (CIC) Meeting held on December 5, 2006. Approved.

Commissioner deHaan moved approval of the minutes.

Commissioner Gilmore seconded the motion, which carried by the following voice vote: Ayes: Commissioner deHaan, Gilmore, Matarrese, and Chair Johnson - 4. Abstentions: Commissioner Tam - 1.

SPECIAL ORDERS OF THE DAY

(07-002) Report on Alameda Theater, Cineplex, and Parking Structure Project Construction update.

The Development Manager gave a brief presentation.

Commissioner Gilmore inquired when the parking garage foundation would be poured.

The Development Manager responded the foundation would be poured in phases, starting with the back corner of Long's and working forward; stated the first pour would be in three to four weeks.

Commissioner Matarrese stated some value engineered items overlap with the list presented in July; inquired whether the parking garage exterior appearance would be altered by any of the value engineered items not presented in July.

The Development Manager responded all value engineered items were on the July list with the exception of the stairs; stated the top slab was eliminated and does not affect the façade.

Commissioner Matarrese stated he did not see the deletion of the precast spandrel panels in the July report.

The Development Manager stated said item was in the bid form as a deduct alternative; the cast in place walls are \$80,000 less.

Commissioner Matarrese inquired whether the concrete appearance would be the same, to which the Development Manager responded in the affirmative.

Mayor Johnson inquired whether \$150,000 of the reserves would be used, leaving approximately \$300,000.

The Development Manager responded approximately \$140,000 of the reserves would be used when small cost savings are taken into consideration; stated approximately \$275,000 would remain.

Mayor Johnson inquired whether items could be added back in if more contingency was not used, to which the Development Manager responded in the affirmative.

Commissioner deHaan stated the Cineplex went through value engineering; inquired whether architectural items were taken away.

The Development Manager responded value engineering was considered when the bid was received from Overaa Construction because the original price was higher; stated very little value-engineered changes are anticipated for the Cineplex.

Commissioner deHaan inquired whether the removed items have an impact on the Cineplex.

The Development Manager responded the design changes are minor; stated the Planning and Building Director would determine whether the changes constitute substantial changes to design review.

Commissioner deHaan inquired whether the Planning and Building Director would review the changes, to which the Development Manager responded in the affirmative.

Commissioner deHaan inquired whether the project is on schedule since Cineplex funding is not in place.

The Development Manager responded milestones and schedules are noted on Attachment 2; stated the theater and garage are on schedule; the developer hopes to be finished with the Cineplex by the end of the year; the final Cineplex schedule would be presented to Council once the General Contractor is on board and construction starts.

Mayor Johnson inquired whether the historic theater completion timeline is March or April 2008.

The Development Manager responded in the negative; stated November 2007 is the anticipated completion date.

Commissioner deHaan inquired whether the layout area would be a problem once the Cineplex construction starts.

The Development Manager responded staff is meeting with Overaa and the developer to coordinate a number of issues; stated the site is tight; Overaa is prepared to deal with the issues; the trailers should be removed from the Cineplex site by the end of the month; Overaa could utilize some unfinished space in the historic theater mezzanine area; staff would continue to coordinate with Overaa on an on-going basis.

Commissioner Matarrese requested that any Cineplex design changes come back to Council; stated discretionary decisions should not be made.

Commissioner deHaan stated priorities have not been set.

Chair Johnson called the public speakers.

Richard W. Rutter, Alameda, outlined concerns with the value-engineered changes itemized in Attachment 3.

Christopher Buckley, Alameda, outlined some parking garage "at risk" details.

Chair Johnson inquired when decisions need to be made on the items outlined by Mr. Buckley.

The Development Manager responded the canopy and blade sign prices are secured for six months in addition to some items that may be added later.

Chair Johnson inquired whether fund raising opportunities are possible.

The Development Manager responded absolutely; stated private funding could be used for the mural underneath the mezzanine wall.

Commissioner deHaan inquired whether prices are secured for six months from now.

The Development Manager responded prices are secured for six months

from the day the price was received from the Contractor, which was last week.

Commissioner deHaan stated the steel galvanizing issue needs to be addressed now.

The Development Manager stated the City's Architect does not feel that the project's integrity would be compromised by deleting the steel galvanizing.

Chair Johnson stated the Commission would be able to make decisions when items are brought back.

Commissioner deHaan requested that the Development Manager provide a list of items [value engineering add back] to be considered along with a timeline.

Commissioner Matarrese requested: 1) an Off Agenda Report on the value engineered items, 2) any Cineplex and parking garage exterior design changes be approved by the Commission, and 3) a timeline outlining when decisions need to be made for adding back value engineered items; stated a decision would need to be made prior to pouring concrete on whether to use galvanized steel versus painted steel.

The Development Manager clarified that all the column bases have granite tile.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 8:19 p.m.

Respectfully submitted,

Lara Weisiger
Secretary

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 16, 2007- -6:00 p.m.

Mayor Johnson convened the Special Meeting at 6:10 p.m.

Roll Call - Present: Councilmembers deHaan, Gilmore,
Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-018) Conference with Legal Counsel - Anticipated Litigation;
Significant exposure to litigation pursuant to Subdivision (b) of
Section 54956.9; Number of cases: One.

(07-019) Conference with Legal Counsel - Existing Litigation
(54956.9); Name of case: Attari v. City of Alameda.

(07-020) Conference with Labor Negotiators; Agency Negotiators:
Craig Jory and Human Resources Director; Employee Organizations:
Alameda City Employees Association and Police Association Non-
Sworn. **Not discussed.**

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that regarding Anticipated Litigation,
Council received a briefing from the City Attorney and no action
was taken; regarding Existing Litigation, Council received a
briefing and gave direction to the City Attorney.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.